

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

KARAMOKO DIANE,
Plaintiff

V.

**ANDREE HAYNES, SMARTWAY
EXPRESS, INC.,
Defendants.**

P:23-CV-00008-DC

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is United States Magistrate Judge David B. Fannin's Report and Recommendation ("R&R") filed in the above-captioned cause on June 12, 2023, in connection with Defendant Smartway Express, Inc.'s Partial Motion to Dismiss and Motion for a More Definite Statement. (Doc. 16). This matter was referred to the Magistrate Judge.¹ Neither party filed objections, and the deadline to do so has expired.

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file written objections within 14 days after being served with a copy of the findings and recommendations.² Failure to file written objections to the R&R within 14 days after being served with a copy shall bar that party from *de novo* review by the district court of the proposed findings and recommendations.³

¹ See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72.

² 28 U.S.C. § 636(b)(1).

³ *Id.*

What's more, except upon grounds of plain error, it shall also bar the party from appellate review of proposed factual findings and legal conclusions accepted by the district court to which no objections were filed.⁴

Having reviewed the R&R, the Court finds it neither clearly erroneous nor contrary to law. Thus, the Court **ADOPTS** the R&R and **GRANTS** Defendant's Motion for a More Definite Statement. (Doc. 13).

It is therefore **ORDERED** that Plaintiff file a more definite statement addressing the deficiencies highlighted by the R&R on or before **August 3, 2023**.

It is also **ORDERED** that if Plaintiff fails to provide a more definite statement on or before **August 3, 2023**, the Court will **GRANT** Defendant Smartway's Motion to Dismiss and strike ¶ 15(g) of Plaintiff's First Amended Complaint.

It is so **ORDERED**.

SIGNED this 20th day of July, 2023.

A handwritten signature in black ink, appearing to read 'David Counts', with a stylized star-like flourish at the end.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE

⁴ *Id.*; *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989) (per curiam).